

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Randy Tate,  
Plaintiff  
v.  
Social Security Administration,  
Defendant

2:16-cv-00141-JAD-VCF  
**Order Adopting Report and  
Recommendation and Dismissing  
Complaint with Leave to Amend**  
[ECF 2]

Randy Tate sues the Social Security Administration to exempt himself from participation in the Social Security program and recoup “the monetary investment amount of \$44,894.”<sup>1</sup> Magistrate Judge Ferenbach granted Tate’s application to proceed *in forma pauperis* and screened his complaint under 28 USC § 1915(e).<sup>2</sup> He recommends that I dismiss Tate’s sole claim because Tate has not pleaded any facts to show that he is exempt from participation in the Social Security program or otherwise entitled to a refund of money he paid into it.<sup>3</sup> Objections to Judge Ferenbach’s report and recommendation were due by February 13, 2016. No party has filed objections or requested an extension to do so.

“[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Ferenbach’s Report and Recommendation [ECF 2] is **ADOPTED**;

IT IS FURTHER ORDERED that **Tate’s complaint is DISMISSED**. Tate is instructed that

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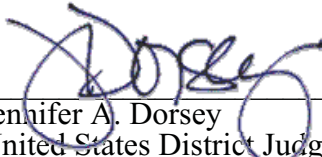
<sup>1</sup> ECF 3

<sup>2</sup> ECF 2.

<sup>3</sup> ECF 2 at 3.

1 if he wishes to file an amended complaint curing the deficiencies outlined in the report and  
2 recommendation, he must do so by **March 25, 2016. If Tate fails to file an amended complaint by**  
3 **that date, this action will be dismissed with prejudice and without further notice.** Tate is  
4 advised that the amended complaint supersedes the original complaint and must be complete in  
5 itself.

6 Dated this 25th day of February 2016

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9 Jennifer A. Dorsey  
10 United States District Judge  
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